

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
–Houston Division–**

DALLAS COUNTY HOSPITAL  
DISTRICT D/B/A/ PARKLAND  
HEALTH & HOSPITAL SYSTEM, *et al.*

*Plaintiff,*

–v–

AMNEAL PHARMACEUTICALS, *et al.*,

*Defendants.*

Case No. 4:19–cv–04834

The Honorable Keith P. Ellison

**CVS PHARMACY, INC.’S MOTION FOR TEMPORARY STAY  
PENDING LIKELY TRANSFER TO MULTIDISTRICT LITIGATION  
AND REQUEST FOR CONSOLIDATED CONSIDERATION OF  
ALL PENDING MOTIONS**

Defendant CVS Pharmacy, Inc. moves for a temporary stay of these proceedings. The Judicial Panel on Multidistrict Litigation has issued a conditional transfer order indicating this case should be transferred to the Multidistrict Litigation pending before the Honorable Dan Aaron Polster of the United States District Court for the Northern District of Ohio because it appears to “involve questions of fact that are common to the actions previously transferred to the Northern District of Ohio and assigned to Judge Polster.” The JPML will likely hear arguments in March 2020 as to whether to finalize transfer of this case to the *In Re: National Prescription Opiate Litig.*, 1:17-md-2804, MDL. The Court should issue a stay until JPML makes its final transfer determination.

The Court has currently set Plaintiffs’ motion to strike and Plaintiffs’ motion for remand for hearing on January 16, 2020. (ECF No. 32). There is no need for this Court to consider either of Plaintiffs’ motions at this time—both motions should be addressed by Judge Polster in the Opiate MDL when the JPML finalizes its conditional transfer order. *County of Jim Hogg v. Purdue Pharma, L.P.*, No. 4:19-cv-02816 (S.D. Tex. Sept. 4, 2019) (Rosenthal, C.J.) (deferring consideration of substantively identical motion to remand while MDL transfer is pending is “appropriate to avoid duplicative litigation of those issues, to improve judicial economy, and to reduce the risk of inconsistent results.”). To the extent the Court intends to address Plaintiffs’ motions, CVS would respectfully request the Court set this motion to stay for hearing at the same time on January 16, 2020.

Respectfully submitted,

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**Attorneys for Defendants CVS  
Pharmacy Inc. and CVS Health  
Corporation**

**Certificate of Conference**

Counsel for CVS discussed this motion by telephone with counsel for Plaintiffs, Darren Nicholson, on January 2, 2020. Mr. Nicholson indicated Plaintiffs oppose the stay requested by CVS.

/s/ David B. Weinstein  
David B. Weinstein

**Certificate of Service**

In accordance with Rule 5 of the Federal Rules of Civil Procedure and Local Rule 5.3, I certify that this response was served on all parties via the Court's CM/ECF system on January 3, 2020.

/s/ David B. Weinstein  
David B. Weinstein